

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEN ROBERTS,
 #1031399

Plaintiff,

vs.

JAMES COX,

Defendant.

2:10-cv-01538-PMP-PAL

ORDER

Plaintiff has filed an application to proceed *in forma pauperis* (docket #7) as well as a document entitled “Complaint for Declaratory Judgment” (docket #1). The document is not on the court’s form and, as such, is insufficient to initiate a civil rights action in this court. The Local Rules require plaintiffs appearing in *pro se*, such as this plaintiff, to file all of their complaints and petitions on the court’s approved forms. LSR 2-1(“[a] civil rights complaint filed by a person who is not represented by counsel shall be on the form provided by this court.”).

Plaintiff’s application to proceed *in forma pauperis* (docket #7) is granted.

Finally, plaintiff has filed what he has called a “motion to clarify order denying motion to certify class action (docket #4). The court advises plaintiff that on October 22, 2010, it denied plaintiff’s motion to certify class action in this case only (docket #3). No orders issued in this case to

1 date have any relation to, or any effect on, any other cases that plaintiff may have pending before this
2 court.

3 **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma*
4 *pauperis* (docket #7) without having to prepay the full filing fee is **GRANTED**; plaintiff shall not be
5 required to pay an initial installment fee. Nevertheless, the full filing fee shall still be due, pursuant to
6 28 U.S.C. § 1915, as amended by the Prisoner Litigation Reform Act of 1996. The movant herein is
7 permitted to maintain this action to conclusion without the necessity of prepayment of fees or costs or
8 the giving of security therefor. This order granting *in forma pauperis* status shall not extend to the
9 issuance of subpoenas at government expense.

10 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915, as amended by the
11 Prisoner Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay to the Clerk
12 of the United States District Court, District of Nevada, 20% of the preceding month's deposits to the
13 account of Ken Roberts, **Inmate No. 1031399** (in months that the account exceeds \$10.00) until the full
14 \$350 filing fee has been paid for this action. The Clerk shall send a copy of this order to the attention
15 of Albert G. Peralta, Chief of Inmate Services for the Nevada Department of Prisons, P.O. Box 7011,
16 Carson City, NV 89702.

17 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
18 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
19 Prisoner Litigation Reform Act of 1996.

20 **IT IS FURTHER ORDERED** that plaintiff's incomplete application for leave to
21 proceed *in forma pauperis* (docket #5) is **DENIED**.

22 **IT IS FURTHER ORDERED** that plaintiff's motion to clarify order denying motion
23 to certify class action (docket #4) is **GRANTED nunc pro tunc**.

24 **IT IS FURTHER ORDERED** that the Clerk **SHALL SEND** to plaintiff the approved
25 forms for filing a civil rights lawsuits under 42 U.S.C. §1983 Within **thirty (30)** days from the date of
26 entry of this order, plaintiff **SHALL FILE** a completed and signed complaint on the form provided by

1 this court. Plaintiff's failure to do so may result in the immediate dismissal of the entire action.

2
3 DATED this 5th day of January, 2011.

4
5 
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26